

REMARKS

This patent application presently includes claim 1-22, and 24-27, of which claims 1-5, 10-15, 19-22 and 26 were rejected and claims 6-9, 16-18, 24-25 and 27 were objected to as dependent from a rejected claim but indicated as allowable if rewritten in independent form. Claims 6, 8, 9, 16, 18, 24, 25, and 27 are rewritten in independent form; claims 13, and 20-22 are amended to correct inadvertent errors; and all rejections are respectfully traversed.

Claims 1-5, 10-15, 19, 21 and 26 were rejected as anticipated by Houben, U.S. Patent No. 6,093,167. This rejection is respectfully traversed. Houben does not teach or even suggest the invention of these claims.

Independent claims 1 and 14 include a step or apparatus for estimating the fundamental frequency of the occurrence of events from the detectable signals, without detecting the occurrence of individual events. Houben discloses that the duration of the burst (ΔT_B) is the primary indication of insulin and demand and thus blood glucose level, ΔT_B , as a fraction of the polarization - depolarization cycle may be used to determine blood glucose level (see column 4, lines 1-6), by actually measuring the time duration of the burst ΔT_B (column 4, lines 30- 32). In order to be able to do this, Houben goes through a complex process of stimulating the polarization-depolarization cycle so as to synchronize the bursts to be offset from the QRS signal, Then, he uses filters to remove QRS artifacts. In order to be able to measure the duration of ΔT_B .

However, as clearly set forth in claims 1 and 14, the present invention performs its operation without detecting individual events or bursts. This specifically avoids the type of complications that had to be addressed by Houben. Rather than teaching or suggesting the present invention, Houben takes precisely the type of brute force approach which the present invention seeks to avoid. Accordingly, claims 1 and 14 distinguish patentably over Houben and should be allowed.

Claims 2-5, 10-13, 15, 19, 22 and 25 depend from either claim 1 or claim 14 and are allowable based upon their dependence from an allowable claim. However, these claims are also believed to be allowable on their own merits in that each defines additional features not taught or suggested by Houben.

Claims 6-9, 16-18, 24, 25 and 27 were indicated as allowable and were only objected owing to their dependence from a rejected claim. With the present amendment, the claims have been rewritten in independent form, without amendment, and none of them is any longer dependent from a rejected claim. Accordingly, all of these claims are now in condition for allowance and each is effectively an original claim. These claims should now be allowed.

Applicant's attorney has made every effort to place this patent application in condition for allowance. It is therefore earnestly requested that the application, as a whole, receive favorable reconsideration and that all of the claims be allowed as presently constituted. Should there remain any unanswered

